

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**LADELL SNOWDEN,**  
**Petitioner**

**v.**

**COMMONWEALTH  
OF PENNSYLVANIA, et al.,**  
**Respondents**

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**No. 1:21-cv-01855**

**(Judge Kane)**

**MEMORANDUM**

This is a habeas corpus case filed under 28 U.S.C. § 2254 in which Petitioner LaDell Snowden (“Snowden”) seeks relief from a conviction and sentence in the Schuylkill County Court of Common Pleas. The Court will dismiss the petition without prejudice for failure to exhaust state court remedies.

**I. BACKGROUND**

On June 22, 2021, Snowden pleaded guilty to one count of aggravated assault with a deadly weapon in the Schuylkill County Court of Common Pleas. (Doc. No. 1; see also Commonwealth v. Snowden, No. CP-54-CR-000045-2021 (filed Mar. 18, 2021).) He was sentenced on July 8, 2021 to a term of imprisonment of 36-120 months. (Id.) Snowden did not file a direct appeal of his conviction or sentence, but on August 20, 2021 he filed a pro se petition for state collateral relief under Pennsylvania’s Post-Conviction Relief Act (“PCRA”). Snowden, No. CP-54-CR-000045-2021. That petition is still pending before the state trial court.

**II. LEGAL STANDARD**

Under Rule 4 of the rules governing habeas corpus petitions under 28 U.S.C. § 2254, a district court must promptly review a petition and dismiss it if it is plain from the face of the petition that the petitioner is not entitled to relief. See 28 U.S.C. § 2254 Rule 4.

Before seeking habeas corpus relief in federal court, a state prisoner must exhaust his remedies in state court. See 28 U.S.C. § 2254(b)(1)(A); O’Sullivan v. Boerckel, 526 U.S. 838, 842 (1999). To do so, the petitioner must “give the state courts an opportunity to act on his claims before he presents those claims to a federal court in a habeas petition.” See O’Sullivan, 526 U.S. at 842. The petitioner must “give the state courts one full opportunity to resolve any constitutional issues by invoking one complete round of the State’s established appellate review process.” See id. In Pennsylvania, a petitioner may properly exhaust state court remedies by presenting a claim to the Pennsylvania Superior Court and is not required to appeal to the Pennsylvania Supreme Court. See Lambert v. Blackwell, 387 F.3d 210, 233 (3d Cir. 2004). Petitioners seeking habeas corpus relief in federal court have the burden to establish exhaustion of state court remedies. See DeFoy v. McCullough, 393 F.3d 439, 442 (3d Cir. 2005).

### III. DISCUSSION

Dismissal of this case under Rule 4 is appropriate because Snowden has failed to exhaust state court remedies. Snowden’s PCRA petition remains pending before the Court of Common Pleas and there is no indication that Snowden has filed any appeals of his conviction or his PCRA petition to the Superior Court. Accordingly, the Court will dismiss this petition without prejudice based on Snowden’s failure to exhaust state court remedies.<sup>1</sup>

### IV. CONCLUSION

For the foregoing reasons, Snowden’s petition for writ of habeas corpus will be dismissed without prejudice. A certificate of appealability will not issue because jurists of reason would

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<sup>1</sup> Snowden has also filed a motion for reconsideration of sentence nunc pro tunc. (Doc. No. 5.) The motion appears to have been written on a form intended for use in a Pennsylvania Court of Common Pleas. (Id.) To the extent that Snowden asks this Court to reconsider the sentence, the Court will deny that request, as any requests for reconsideration of his sentence should be directed to the appropriate Court of Common Pleas in the Pennsylvania state court system.

not debate whether Snowden states a valid claim of a denial of a constitutional right or whether the court's procedural ruling is incorrect. See Slack v. McDaniel, 529 U.S. 473, 484 (2000). An appropriate Order follows.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania